

Central Intelligence Agency



Washington, D.C. 20505

6 November 2018

Ms. Emma Best  
MuckRock News  
DEPT MR 61939  
411A Highland Avenue  
Somerville, MA 02144-2516

Reference: F-2019-00185

Dear Ms. Best:

On 25 October 2018, the office of the Information and Privacy Coordinator received your 25 October 2018 Freedom of Information Act (FOIA) request for the following records: **records mentioning Project WALNUT, described in documents such as CIA-RDP80B01139A000200020028-0 and CIA-RDP80B01139A000200020029-9.**

As you are aware, the FOIA permits an agency to assess fees even in situations where it fails to comply with the 20 working day FOIA response deadline in cases where there are “unusual circumstances.” A member of my staff in consultation with senior members of this office assessed the overall complexity of your request, and we determined that at least one of the factors associated with “unusual circumstances” applies in this case.

The FOIA authorizes federal agencies to collect fees for records services. Based on the information provided in your letter, we determined that your request falls into the “representative of the news media” fee category, which means you may have to pay for the cost of reproducing released records, which would be assessed at a rate of ten cents per page after the first 100 copies, which you receive free of charge.

Please be advised that we cannot provide you with an exact fee estimate until we have completed the search, identified the responsive documents, and determined how many pages of nonexempt, responsive material will be released. Once our work is completed, you may be assessed applicable fees for duplication if nonexempt releasable material exceeds the first 100 pages, to which you are entitled free of charge. In order to protect requesters from large/or unanticipated charges, we will ask you for a written commitment to pay duplication fees if we determine they will exceed \$100. Although you still will be assessed fees accordingly, we will not notify you beforehand if we estimate that fees for completing your request will be less than \$100. We will proceed on this basis unless we hear otherwise from you in writing.

With regard to your request for a waiver of applicable fees incurred in the processing of this FOIA request, under the FOIA, a waiver of applicable fees is appropriate when:

- (1) The disclosure of the requested information must be in the public interest because it is likely to contribute significantly to the public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester.
- (2) The disclosure of the information is not primarily in the commercial interest of the requester. [5 U.S.C. § 552(a)(4)(A)(iii)].

I have reviewed your request under those standards, and have determined that your request as written does not warrant a waiver of fees as there is no indication that the disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government. However, please be advised that we reserve the right to reassess our fee waiver determination should a search reveal documents that meet the criterion of a public interest fee waiver as indicated in the provision.

You may appeal this decision, in my care, within 90 days from the date of this letter. Should you choose to appeal the denial of your request for a fee waiver, you are strongly encouraged to provide an explanation supporting your appeal. Agency regulations also specify that if the Agency has started to process a request, the Agency may only accept an appeal of a fee waiver denial if the requester agrees to be responsible for the costs in the event of an adverse administrative or judicial decision.

Our officers will review your request and will advise you should they encounter any further problems or if they cannot begin the search without additional information or clarification. We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily. We will search for records up to and including the date the Agency starts its search.

Sincerely,



Allison Fong  
Information and Privacy Coordinator